

REMARKS

Claim 1 has been amended to remove the process steps and to set forth that the composition comprises discrete dried particles. Support for the amendment can be found in the specification, particularly pages 6 and 9 as well as the original claims. No new matter has been added by amendment. Entry of the amendment is requested prior to examination of the claims. Reexamination and reconsideration is requested.

The Rejection of the Claims Under 35 USC §103 Should Be Withdrawn

In the Final Rejection of September 11, 2007, the claims were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0120228 (hereinafter “the ‘228 patent application publication”) in view of U.S. Patent Application Publication No. 2006/0024322 (hereinafter “the ‘322 patent application publication”). This rejection should be withdrawn.

The ‘228 patent application publication discloses a gel-forming, free-flowing powder suitable for use as a vaccine, prepared by a spray-drying or spray-freeze-drying process. The Examiner maintains that the particle size ranges recited in claims 76-80 are taught by the cited reference. As acknowledged by the Examiner, however, the ‘228 patent application publication does not teach or suggest an rSEB vaccine composition comprising discrete dried particles of any size as currently claimed.

The Examiner is referred to the arguments submitted December 11, 2007, in the Amendment After Final Under 37 CFR §1.116. The Amendment was denied entry by the Examiner in the Advisory Action mailed April 2, 2008. Entry of the Amendment and consideration of the arguments presented therein are requested.

Accordingly, it is believed that the claims are in condition for allowance. Early notice to this effect is solicited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of

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this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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